UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,050	12/14/2000	Christopher Tate	583-1044	7139

23644　　7590　　02/25/2005	**EXAMINER**	
BARNES & THORNBURG	SHELEHEDA, JAMES R	
P.O. BOX 2786		
CHICAGO, IL 60690-2786	**ART UNIT**	**PAPER NUMBER**
	2614	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/737,050	TATE ET AL.
Office Action Summary	Examiner	Art Unit	
	James Sheleheda	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 November 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-25_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on *** has

been entered.

Claim Objections

2.   Claim 18 is objected to because of the following informalities:

In claim 18, line 2, "recipient servers" should be changed to --client terminator

units--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 3, 10, 12, 14, 16, 18, 20, 22 and 24 are rejected under 35 U.S.C.

103(a) as being unpatentable over Blahut (5,446,490) (of record) in view of Hendricks et

al. (Hendricks) (5,600,573) (of record).

As to claim 1, Blahut discloses a system for streaming data (Fig. 1) comprising: a

content providing server (programming center 121 and program library 122) capable

of storing content and communicating the content to at least a first and second client

terminator unit (104, column 3, lines 28-31 and 59-65) via a communications network

(column 3, lines 38-58),

and a **distribution server** (ITV Server, 120 and Headend Equipment, 101)

coupled in-line between the content providing server and the at least first and second

client terminator units (see Fig. 1),

wherein the distribution server is arranged to **generate** at least a first and a

second onward data stream and **transmit** the at least the first and second onward data

streams to the at least the first and second client terminator units, respectively (column

8, lines 38-45 and lines 50-56), in response to an incoming data stream received from

the content providing server and corresponding to the content (column 3, lines 38-42),

wherein the at least first and second onward data streams **correspond**

substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to

each other by a respective offset value (see Fig. 5) indicated in control data (stored

schedule indicating staggered start times; column 8, lines 15-37 and Fig. 6, steps 602

and 610).

While Blahut discloses control data indicating an offset value between the first

and second data steams (stored schedule indicating staggered start times; column 8,

lines 15-37 and Fig. 6, steps 602 and 610), he fails to specifically disclose wherein the

control data is provided by the content providing server.

In an analogous art, Hendricks discloses an Operations Center which will

transmit control information pertaining to near video on demand (allocation of

programming and channels (i.e. scheduling); column 4, lines 8-24) to a local cable

headend (column 6, lines 15-31) for the advantage of enabling a single site to remotely

manage and control cable programming throughout a particular region (column 4, lines

14-20).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Blahut's system to include wherein the control data is

provided by the content providing server, as taught by Hendricks, for the advantage of

enabling a single site to remotely manage and control cable programming throughout a

particular region.

As to claim 10, while Blahut discloses a method of streaming data (Fig. 1)

between a content providing server (programming center 121 and program library 122)

and at least a first and a second client terminator unit (104, column 3, lines 28-31 and

59-65) the method comprising the steps of:

receiving at a distribution server (ITV Server, 120 and Headend Equipment, 101;

column 3, lines 38-42) an incoming data stream corresponding to content (column 3,

lines 38-42) and in response (wherein the data streams are not distributed until after

receipt of the content), the incoming data stream being received from the content

providing server (column 3, lines 38-42):

in response, **generating** at least a first and a second onward data stream

(column 8, lines 38-45 and lines 50-56), and

transmitting the at least the first and second onward data streams to the at least

the first and second client terminator units, respectively, in response to an incoming

data stream (column 8, lines 38-45 and lines 50-56);

wherein the at least first and second onward data streams **correspond**

substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to

each other by a respective offset value (see Fig. 5) indicated in control data (stored

schedule indicating staggered start times; column 8, lines 15-37 and Fig. 6, steps 602

and 610).

While Blahut discloses control data indicating an offset value between the first

and second data steams (stored schedule indicating staggered start times; column 8,

lines 15-37 and Fig. 6, steps 602 and 610), he fails to specifically disclose wherein the

control data is provided by the content providing server.

In an analogous art, Hendricks discloses an Operations Center which will

transmit control information pertaining to near video on demand (allocation of

programming and channels (i.e. scheduling); column 4, lines 8-24) to a local cable

headend (column 6, lines 15-31) for the advantage of enabling a single site to remotely

manage and control cable programming throughout a particular region (column 4, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut's system to include wherein the control data is provided by the content providing server, as taught by Hendricks, for the advantage of enabling a single site to remotely manage and control cable programming throughout a particular region.

As to claim 14, Blahut discloses a computer executable software code stored on a computer readable medium (wherein ITV Server, 120 and Headend Equipment, 101 must inherently include a program code in some storage to operate), the code being for streaming data between a content providing server (programming center 121 and program library 122) and at least a first and a second client terminator unit (104, column 3, lines 28-31 and 59-65) the code comprising:

code to **receive** an incoming data stream corresponding to content (column 3, lines 38-42), the incoming data stream being received from the content providing server (column 3, lines 38-42),

code to **generate** in response to the incoming data stream received (wherein the data streams are not generated until after receipt of the content), at least a first and a second onward data stream (column 8, lines 38-45 and lines 50-56),

code to **transmit** in response to the incoming data stream received (wherein the data streams are not distributed until after receipt of the content), the at least the first

and second onward data streams to the at least the first and second client terminator

units, respectively (column 8, lines 38-45 and lines 50-56),

wherein the at least first and second onward data streams **correspond**

substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to

each other by a respective offset value (see Fig. 5) indicated in control data (stored

schedule indicating staggered start times; column 8, lines 15-37 and Fig. 6, steps 602

and 610).

While Blahut discloses control data indicating an offset value between the first

and second data steams (stored schedule indicating staggered start times; column 8,

lines 15-37 and Fig. 6, steps 602 and 610), he fails to specifically disclose wherein the

control data is provided by the content providing server.

In an analogous art, Hendricks discloses an Operations Center which will

transmit control information pertaining to near video on demand (allocation of

programming and channels (i.e. scheduling); column 4, lines 8-24) to a local cable

headend (column 6, lines 15-31) for the advantage of enabling a single site to remotely

manage and control cable programming throughout a particular region (column 4, lines

14-20).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Blahut's system to include wherein the control data is

provided by the content providing server, as taught by Hendricks, for the advantage of

enabling a single site to remotely manage and control cable programming throughout a

particular region.

As to claim 18, Blahut discloses a computer (ITV Server, 120 and Headend

Equipment, 101) for streaming data between a content providing server (programming

center 121 and program library 122) and at least a first and a second client terminator

unit (104, column 3, lines 28-31 and 59-65) comprising **memory** having at least one

region for storing computer executable program code (wherein any computer server

must inherently include a program code in some storage medium to operate), and

a **processor** (In ITV server, 120; column 3, lines 59-65), for executing the

program code stored in memory wherein the program code includes:

code to **receive** an incoming data stream corresponding to content (column 3,

lines 38-42), the incoming data stream being received from the content providing server

(column 3, lines 38-42);

code to **generate** in response to the incoming data stream (wherein the data

streams are not generated until after receipt of the content), at least a first and a second

onward data stream (column 8, lines 38-45 and lines 50-56),

code to **transmit** in response to the incoming data stream (wherein the data

streams are not distributed until after receipt of the content), the at least the first and

second onward data streams to the at least the first and second client terminator units,

respectively (column 8, lines 38-45 and lines 50-56),

wherein the at least first and second onward data streams **correspond**

substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to

each other by a respective offset value (see Fig. 5) indicated in control data (stored

schedule indicating staggered start times; column 8, lines 15-37 and Fig. 6, steps 602

and 610).

While Blahut discloses control data indicating an offset value between the first

and second data steams (stored schedule indicating staggered start times; column 8,

lines 15-37 and Fig. 6, steps 602 and 610), he fails to specifically disclose wherein the

control data is provided by the content providing server.

In an analogous art, Hendricks discloses an Operations Center which will

transmit control information pertaining to near video on demand (allocation of

programming and channels (i.e. scheduling); column 4, lines 8-24) to a local cable

headend (column 6, lines 15-31) for the advantage of enabling a single site to remotely

manage and control cable programming throughout a particular region (column 4, lines

14-20).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Blahut's system to include wherein the control data is

provided by the content providing server, as taught by Hendricks, for the advantage of

enabling a single site to remotely manage and control cable programming throughout a

particular region.

As to claim 22, Blahut discloses a computer executable software code stored on

a computer readable medium (wherein ITV Server, 120 and Headend Equipment, 101

must inherently include a program code in some storage to operate), the code being for

streaming data between a content providing server (programming center 121 and

program library 122) and at least a first and a second client terminator unit (104, column

3, lines 28-31 and 59-65) the code comprising:

code to **receive** an incoming data stream corresponding to content (column 3,

lines 38-42), the incoming data stream being received from the content providing server

(column 3, lines 38-42);

code to **generate** at least a first and a second onward data stream (column 8,

lines 38-45 and lines 50-56),

code to **transmit** the at least the first and second onward data streams to the at

least the first and second client terminator units, respectively, in response to the

incoming data stream (column 8, lines 38-45 and lines 50-56),

wherein the at least first and second onward data streams **correspond**

substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to

each other by a respective offset value (see Fig. 5).

While Blahut discloses control data indicating an offset value between the first

and second data steams (stored schedule indicating staggered start times; column 8,

lines 15-37 and Fig. 6, steps 602 and 610), he fails to specifically disclose wherein the

control data is provided by the content providing server.

In an analogous art, Hendricks discloses an Operations Center which will

transmit control information pertaining to near video on demand (allocation of

programming and channels (i.e. scheduling); column 4, lines 8-24) to a local cable

headend (column 6, lines 15-31) for the advantage of enabling a single site to remotely

manage and control cable programming throughout a particular region (column 4, lines

14-20).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Blahut's system to include wherein the control data is

provided by the content providing server, as taught by Hendricks, for the advantage of

enabling a single site to remotely manage and control cable programming throughout a

particular region.

As to claims 3, 12, 16, 20 and 24, Blahut and Hendricks disclose wherein the

offset value is provided by the content providing server (wherein the scheduling control

data is provided by the Operations Center; see Hendricks at column 4, lines 8-24).

5.   Claims 2, 11, 15, 19 and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Blahut and Hendricks as applied to claims 1, 10, 14, 18 and 22

above, and further in view of Debey (5,701,582) (of record).

As to claims 23, while Blahut and Hendricks disclose the generating of first and

second onward data streams, they fail to specifically disclose wherein data streams are

generated prior to receipt of all of the incoming data stream.

Debey discloses the transmission of digital programming streams (column 14,

lines 22-36), received at A/V digitizing units, (72 in Fig. 7A, column 13 lines 64-67 and

column 14, lines 1-21), which are generated prior to receipt of all of an incoming data

stream (column 14, lines 22-36), for the typical advantage of transmitting live television

feeds to viewers as they are received.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Blahut and Hendricks' system to include wherein data

streams are generated prior to receipt of all of the incoming data stream, as taught by

Debey, for the typical advantage of transmitting live television feeds to viewers as they

are received.

6.   Claims 4, 13, 17, 21 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Blahut and Hendricks as applied to claim 22 above, and further in

view of Ganek (5,724,646) (of record).

As to claims 4, 13, 17, 21 and 25 claim 25, while Blahut and Hendricks disclose

wherein a processor is arranged to transmit a plurality of data streams with an offset

value, they fail to specifically disclose wherein the first data stream loops at least once.

In an analogous art, Ganek discloses a near video on demand system where a

program continuously transmits (loops) over a primary channel (Fig. 5b, column 1, lines

55-60) for the typical advantage of providing the video programming for an extended

period of time.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify the combined system of Blahut and Hendricks' to

include wherein the first data stream loops at least once, as taught by Ganek, for the

typical advantage of providing the video programming for an extended period of time.

7.   Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blahut in view of Debey, Fluss (6,304,578) (of record) and Hendricks.

As to claim 5, while Blahut discloses a multicast server for streaming data (ITV

Server, 120 and Headend Equipment, 101), comprising a **processor** unit (In ITV server,

120; column 3, lines 59-65),

the processor unit being arranged to **receive** an incoming data stream

corresponding to content (column 3, lines 38-58), the incoming data stream received

from a content providing server (column 3, lines 38-58)

wherein the processor unit is further arranged to **generate** at least a first and a

second onward data streams (column 8, lines 38-45 and lines 50-56) for **transmission**

to at least a first and second client terminator unit (104; column 3, lines 28-31 and lines

59-65), respectively (column 8, lines 38-45 and lines 50-56), in response to an incoming

data stream (column 3, lines 38-42), and

wherein the at least first and second onward data streams **correspond**

substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to

each other by a respective offset value (see Fig. 5) indicated in control data (stored

schedule indicating staggered start times; column 8, lines 15-37 and Fig. 6, steps 602

and 610).

While Blahut discloses control data indicating an offset value between the first

and second data steams (stored schedule indicating staggered start times; column 8,

lines 15-37 and Fig. 6, steps 602 and 610), he fails to specifically disclose a storage

device coupled to the processor for storing content, a router coupled to the processor.

wherein the control data is provided by the content providing server.

In an analogous art, Debey discloses a cable headend transmission system (Fig.

7A; column 13, lines 50-54) with a storage device (storage units, 76) coupled to a

processor (master control unit, 74) which stores video data (column 14, lines 11-36) for

the typical benefit of enabling programming to be stored for transmission at a later time.

Furthermore, in an analogous art, Fluss discloses a video distribution system

(Fig. 1) wherein a cable head end (103) will include a router (105; column 4, lines 32-

39) for the typical benefit of routing data packets to the appropriate users (column 4,

lines 16-20).

Additionally, in an analogous art, Hendricks discloses an Operations Center

which will transmit control information pertaining to near video on demand (allocation of

programming and channels (i.e. scheduling); column 4, lines 8-24) to a local cable

headend (column 6, lines 15-31) for the advantage of enabling a single site to remotely

manage and control cable programming throughout a particular region (column 4, lines

14-20).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Blahut's system to include a storage device for storing

content, as taught by Debey, for the typical benefit of enabling the distribution server to

store programming for transmission at a later time.

Furthermore, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Blahut and Debey's system to include a router,

as taught by Fluss, for the typical benefit of ensuring that data packets to be transmitted are correctly routed to the appropriate users.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Debey and Fluss' system to include wherein the control data provided by the content providing server, as taught by Hendricks, for the advantage of enabling a single site to remotely manage and control cable programming throughout a particular region.

As to claim 6, Blahut, Debey, Fluss and Hendricks disclose wherein the router is arranged to transmit the at least first and second onward data streams to the at least first and second recipient servers, respectively (wherein the router transmits each data packet to the respective user; see Fluss at column 4, lines 34-45).

As to claim 7, Debey further discloses the transmission of digital programming streams (column 14, lines 22-36), received at A/V digitizing units, (72 in Fig. 7A, column 13 lines 64-67 and column 14, lines 1-21), which are generated prior to receipt of all of an incoming data stream (column 14, lines 22-36), for the typical benefit of allowing the transmission of live television feeds to viewers as they are received.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Blahut, Debey, Fluss and Hendricks' system to include wherein data streams are generated prior to receipt of all of the incoming data stream, as further taught by Debey, for the typical benefit of allowing live television

feeds to be transmitted to viewers as soon as they are received at the distribution

server.

As to claims 3, 12, 16, 20 and 24, Blahut, Debey, Fluss and Hendricks disclose

wherein the offset value is provided by the content providing server (wherein the

scheduling control data is provided by the Operations Center; see Hendricks at column

4, lines 8-24).

8.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut,

Debey, Fluss and Hendricks as applied in claim 5 above, and further in view of Ganek.

As to claim 9, while Blahut, Debey, Fluss and Hendricks disclose wherein a

processor is arranged to transmit a plurality of data streams with an offset value, they

fail to specifically disclose wherein the first data stream loops at least once.

In an analogous art, Ganek discloses a near video on demand system (Fig. 1)

where a program continuously transmits (loops) over a primary channel (Fig. 5b, column

1, lines 55-60) for the typical benefit advantage of providing the video programming for

an extended period of time.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Blahut, Debey, Fluss and Hendricks' system to include

wherein the first data stream loops at least once, as taught by Ganek, for the typical

benefit of providing the video programming to viewers for an extended period of time.

Response to Arguments

9.   Applicant's arguments filed 11/26/04 have been fully considered but they are not

persuasive.

    a.   On pages 2 and 3, applicant argues that Blahut the program library 122

cannot be considered as a content providing server directly accessible by

subscribers.

    In response,

    i.   Content library 122 is an external library connected to ITV server

120 over a network (see Blahut at column 3, lines 38-58) and which

provides program content to ITV server 120 (see Blahut at column 3,

lines 38-58). This more then meets the claim limitation of a content

providing server.

    ii.   In response to applicant's argument that the references fail to show

certain features of applicant's invention, it is noted that the features upon

which applicant relies (i.e., a content providing server directly accessible

by subscribers) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

    More specifically, the claims merely call for the content providing

server to communicate content to the client terminator units. Blahut

clearly accomplishes this through an intermediate ITV server (column 3,

lines 38-49). Whether the server is **directly accessible by subscribers** is irrelevant.

b. On pages 3 and 4, applicant argues that the examiner has misconstrued the Blahut reference.

Applicant is directed to the rejections and (a) above where it is clearly indicated that Blahut as relied upon does in fact meet the claim limitations.

c. On page 4, paragraph 1, applicant argues that "there is absolutely no disclosure in the prior art references as a whole of transmitting control data including an offset value..." and more specifically that "not only does Hendricks not teach transmitting control data including an offset value, but none of the prior art cited by the Examiner teaches this feature."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

More specifically, the Blahut reference was utilized to teach an NVOD system wherein the distribution server contains control data (i.e. a schedule) indicating offset values (stored schedule indicating staggered start times; see Blahut at column 8, lines 15-37 and Fig. 6, steps 602 and 610). When combined

with the Hendricks reference which discloses wherein the content providing

server would also transmit scheduling information for local servers (control

information controlling program and channel allocation, including the control of

NVOD; see Hendricks at column 4, lines 8-24), the **combination** results in the

content providing server providing offset values.

d.   On page 5 of applicant's response, applicant argues that the "fillers"

defined by Blahut cannot be equated with offset values.

In response, the examiner agrees that the "fillers" of Blahut do not equate

with the offset values. The fillers are merely various lengths of video which "fill

in" during the offset times of a main portion of video. As shown in Blahut (column

8, lines 26-31) the fillers are sent to the user to fill in the time until the main

portion of video is next **scheduled** to begin, and further that the main portion of

video has some specific offset value (such as 5 minutes; column 8, lines 31-37),

and that the fillers are simply used to make the time delay unnoticeable to the

viewer.

e.   As to applicant's arguments on page 6, paragraph 1, concerning the fillers

of Blahut, applicant is directed to (c) above.

f.   On page 6, paragraph 2, applicant argues that "There is no reason to

suppose that the channel and program allocations for NVOD would include an

offset value for staggering first and second onward data streams..."

In response, it is noted that the Blahut reference was specifically relied

upon to teach control data containing offset values (contained within a schedule

of staggered showings of main video; column 8, lines 15-37 and Fig. 6, steps 602

and 610). The combination with Hendricks would simply need to indicate

wherein this control data is provided by the content providing.

Further there is ample reason to suppose that, in an NVOD system,

controlling channel and program allocations would include offset values since an

NVOD schedule of programs is based upon the fact that plural showings of a

video are being presented at staggered intervals, i.e. offset in time.

Conclusion

10.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply. The Certificate should be signed by the individual actually
depositing or transmitting the correspondence or by an individual who, upon information
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11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James Sheleheda whose telephone number is (703)

305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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James Sheleheda
Patent Examiner
Art Unit 2614

JS

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600